Sectt. II-27—45,004—21-10-27.

(Education) (1928), Department.

Mis SERIES.

G.O. No. 119

DATED 24-1-28

[Despatch Abstract.]

District Educational Council - South Kanara - Grant paid for sinking a well in Angaragundi Village - Recovery ordered.

Cir 6077-A ——— Law (Edn)

Dk: Edl: Council — S. Kanara — Grant for sinking a well — Question of recovery.

One Rama Rao, manager of an aided elementary school in S. Kanara applied on 2nd May 1921 for a grant for sinking a well for the use of the school in the school compound which belonged to him. The school was converted into a taluk board school in October 1921, but the school continued to be held in Rama Rao's building and Rama Rao himself continued as teacher. In March 1922, i.e. some months after the management of the school had been transferred to the taluk board, the D.E.O. sanctioned Rs 250/- in the original application for sinking well and paid the amount to Rama Rao. The latter died in 1926 and the question of recovery of the amount has been engaging the attention of the Dk: Edl: Council S. Kanara.

The site of the school along with the well has now been inherited by Rama Rao's widow. The taluk board has removed the school to another locality and has therefore rightly refused to

pay the amount from its funds and the D.E.C. Council is doubtful as to whether it is payable by the widow or by the Taluk Board. The D.P.I. however, thinks that the death of the grantee, the fact that the grant was paid to Rama Rao subsequent to the transfer of the management from him and the transfer of the school to another locality are grounds for writing off the amount. He states that though under G.O. no. 609 S.L.E. dated 25-5-27, the amount can be written off by him, he has addressed the Government as the payment made on wrong advice given by departmental officers was irregular. Both the D.E.C. and the D.E.O. have been responsible for the wrong payment. The D.P.I. does not want to pursue the matter further and recommends the writing off of the amount. It is for consideration whether the D.P.I.'s recommendation may be approved.

There seems to be no help for it.

21/12/27

21/12/27

Now is a legal point involved in this. Can Rama Rao's widow take the land and dispose it off? The agreement by Rama Rao shows that,

the school be abolished (Letter of D.D. letter) the other representatives will be liable to repay the money. Does this from Govt any hold? I suppose a Civil Suit is the only remedy & the Govt spend money. Perhaps I would be throwing away good money after bad. Give U.S. (Drafts) advice?

U.S. (Drafts)

Law (Drafting) Dept.

The irregular character of the initial payment to Rama Rao, would not prevent its recovery from him or his assets in the hands of his legal representatives. His assets, which includes the well for sinking which the payment in question was made, would be burdened with the liability to discharge his just and proper debts. The school has ceased to exist in the premises and must be deemed to have been practically abolished so far as that locality is concerned. The well is not also used for Educational purposes. In these circumstances, the assets of the deceased Rama Rao including the well are liable for repayment of the amount according to the terms of the deed executed by him.

19.1.28

Law (Drafting)

C.F. 30—10 000—7-8-26.

LAW (EDUCATION) DEPARTMENT

Ent. No. 6077

Received ASSISTANT 192 *Registered* 17.12. 192 7

17 DEC 1927

Subject.

District Educational Council - South Kanara - Grants paid to sink a well - permission to write of:

Enclosures.

No.

Spare copies

R. C. No 2237 B/27

Station Madras, *Dated the* 14th December 192 7.

From (Name) R.G. Graeve, Esq., M.A., I.E.S.,

(Designation) Ag. Director of Public Instruction

To The Secretary to the Government of Madras,

Law (Education) Department.

Sir,

In bmitting herewith a copy of letter Ref. 483/26 dated 6-9-27 from the President, District Educational Council, South Kanara, I have the honour to state as follows:-

(1) One Mr. A. Rama Rao teacher-manager of Angaragundi aided Elementary school applied to the District Educational Council, South Kanara, on 1-5-21 for a grant towards the cost of sinking a well for the purposes of the school in the school premises. On 1-10-21 the school was converted into a Board Mapilla school under the Taluk Board, Mangalore. The change of management was also approved by the District Educational Council. The Board school was located in the original building belonging to Mr. Rama Rao and the site

site also belonged to him. The Taluk Board paid rent for the building. The District Educational Council in its resolution No. 20 dated 22-3-22 however sanctioned a grant from Provincial funds to Mr. Rama Rao for sinking a well in the school and the deed of acceptance was taken by the District Educational Council from the said Rama Rao - please see the copy of the resolution of the District Educational Council.

(ii) Since the school was transferred to the management of the Taluk Board on 1-10-21 Mr. Rama Rao ceased to be a teacher manager and from that date he was only an employee under the Taluk Board. Under the rules framed under the Madras Elementary Education Act of '20 grants-in-aid can be paid only to a "manager" and the term "Manager" also includes his "accredited representative". In this case Mr. Rama Rao ceased to be a manager since 1-10-21 and the management of the school was vested under the Taluk Board. Therefore the grant paid by the District Educational Council; subsequent to the transfer of management of the school seems to be irregular. The President, Taluk Board was also not consulted by the District Educational Council, when the grant was sanctioned. The then Inspector of schools, South Kanara, Coorg and Bangalore informed the District Educational Council that there was no objection to the payment of the grant.

(iii) Mr. Rama Rao who received the grant and executed the deed of acceptance in favour of the Council, died in 1926 and the Board Mappilla school has also been transferred from Angaragundi; There is no school in the premises and the well is not used for Educational purposes. The District Educationa Council has therefore taken up the question of recovery. The Taluk Board is not liable to pay the grant. On enquiry it is reported by the Collector that the deceased has left some property and that the grant can be recovered by the sale of property if it is not encumbered.

(iv) In view of the circumstances explained above, and considering that the man who executed the deed is dead, that the school has been moved to a different locality and that the grant was paid on wrong advice given by departmental officers, I think the matter should be dropped. Though under G.O. No. 1093 L.E.

1093 L.E. dated 25-5-27, the amount can be written off by me, orders of Government are requested in the matter, as the payment made by the District Educational Council at the first instance, was irregular.

I have the honour to be,

Sir,

Your most obedient servant,

M. Mandelli

For Director of Public Instruction.

R.R. 15/12

10/16

Council. The above provision shall cease to have effect at the expiration of forty years from the date hereof without prejudice however to any right that may have occurred to the District Educational Council prior to the expiration of such period.

Dated this twenty seventh day of March one thousand nine hundred and twenty two

Sd. A. Rama Rao - Witnesses x x x x x x x x

(True Co py)

Extract from the proceedings of the meeting of the District Educational Council held on 22nd March 1922.

x x

20. Read N.R.C. No. 244/Sc 21 dated 9-11-1921 of the Inspector of Schools, South Kanara, Coorg and Bangalore, stating that he sees no objection to the payment of Rs. 250/- sanctioned in this office Dis. No. 54 D.E.C. 22 dated 23-9-1921, for sinking a well for use of the Angaragundi aided elementary school though it has since been taken over by the Mangalore Taluk Board.

Resolution:-

"Payment of Rs. 250/- is sanctioned; but a moiety of Rs. 100/- will be paid on his executing the necessary deed of acceptance and the balance will be paid after the completion certificate is obtained."

(True Copy)

M. Mandelli.

Jr Director Public Instruction

Scott. II-5 (a)—38,004—26-10-27. (6)

9/11

Law (Estt.) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied		
When examined		
When signed		
When despatched		

Dt: Coll. Cuddapah - S. Kamara-Grant paid for sinking a well in Nagaraguntla village - Recovery order

READ AGAIN G.O. No. ....., dated ..... 192 .

" " " " ..... " ..... 192 .

READ

G. No. 6077 A From the D.P.I. Rc., No. 2237 A/27, dated 14.12.1927.

" " ..... " " ..... " ..... " 192

" " ..... " " ..... " ..... " 192

ORDER.

No. 119, dated 24/11/1928.

Mis.

The Government are of opinion that the assets of the deceased Rama Rao including the well in question are liable for the repayment of the grant according to the terms of the deed executed by him and they accordingly direct that steps be taken to recover the amount by proceeding against the property of the deceased if it can not be recovered otherwise.

Dr. 24/11/28

To D.P.I.

PK 20.1.28.

CR 20/1

OK 28.1.28